

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

## **MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the Defendant's oral motion to continue the hearing on his Motion to Suppress Statements [Doc. 19] and Motion to Suppress Evidence [Doc. 21] made during a scheduled hearing on November 23, 2009. At the hearing, the Defendant asked the Court to continue the hearing on the suppression motions because he had received additional discovery from the Government that very morning. Assistant United States Attorney Cynthia Davidson appeared on behalf of the Government. Attorney Kelly S. Johnson appeared on behalf of the Defendant, who was also present.

The Government admitted that it had provided late discovery and it did not object to the Defendant's motion to continue. Accordingly, the Court finds that the Defendant has shown good cause for resetting the suppression hearing in this case and his oral motion to continue is **GRANTED**. The parties have agreed to reset the suppression hearing to **December 14, 2009**, at

**9:30 a.m.**, before the undersigned.

With regard to other scheduling in this case, the trial remains set to commence on February 2, 2010, before the Honorable Thomas W. Phillips, United States District Judge. The Court will conduct a status conference with **all parties** and consider whether there is a need for a trial continuance on **December 14, 2009**, immediately prior to the suppression hearing.

It is **ORDERED**:

- (1) The Defendant's oral motion to continue the suppression hearing is **GRANTED**;
- (2) **All parties** in this case will appear before the undersigned for a status conference, to be followed by a hearing on the Defendant's Motion to Suppress Statements [**Doc. 19**] and Motion to Suppress Evidence [**Doc. 21**], on **December 14, 2009, at 9:30 a.m.**; and
- (3) The trial of this matter remains set to commence on **February 2, 2010**, before the Honorable Thomas W. Phillips, United States District Judge.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge